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10/669,802	09/25/2003	Kuniko Yamasaki	C14-161741M/ISI	5442

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EXAMINER	
PENDLETON, DIONNE	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/669,802	YAMASAKI ET AL.	
	Examiner	Art Unit	
	Dionne H. Pendleton	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *8 and 9* is/are ~~withdrawn~~ cancelled from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 10-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date [redacted].
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 3,5,7,11 and 13-19** are rejected under 35 U.S.C. 102(e) as being anticipated by **Yasuhara Pub. No. US 2003/0053638 A1.**

Regarding claim 3,

In **Figure 9,** Yasuhara teaches an acoustic device comprising: a plurality of sound sources *(see paragraph [0054]);*

a first output unit (10,11) and a second output unit (13) for outputting sound based on sound signals from the sound sources;

a mode setting unit (*see switches 22 & 23, since both operate to change the operating mode of the acoustic device*) responding to a predetermined operation for switching and setting a first mode, in which the sound based on the sound signals from one of the sound sources are output from the first output unit (*see paragraph [0013]),* and a second mode, in which while the sound based on the sound signals from one of the

sound sources are being output from the first output unit, the sound based on the sound signals from another sound source are output from the second output unit (again, see *paragraph [0013]);*

an external connection unit (6) for externally connecting an electronic device (4);

and

a control unit i.e., switch, for controlling the mode setting unit (22 & 23) so that the power source of the acoustic device may be turned ON in the second mode, when it detects the power ON demand signal through the external connection unit while the power source is OFF, *see paragraph [0057]*

wherein the control unit ("80" in figure 9) sets a sound output of the first output unit in an interrupted state (the output from the rear set of speakers is interrupted, thus changing from a 4-speaker state to 2-speaker state) when the power source of the acoustic device is turned on in the second mode while the power source [of the rear unit] is OFF (see paragraph [0122]).

Regarding claim 5,

In *paragraph [0042-0043],* Yasuhara teaches an acoustic device according to claim 3, wherein the power ON demand signal obtained through the external connection unit is output from the electronic device in response to the power ON of the electronic device.

Regarding claim 7,

In *paragraph [0057],* Yasuhara teaches an acoustic device according to claim 3, wherein the power ON demand signal obtained through the external connection unit is output from the electronic device in response to the insertion of a recording medium into the electronic device.

Regarding claim 11,

In *paragraph [0041],* Yasuhara teaches an acoustic device according to claim 3, wherein the control unit causes a display unit to display power ON information indicating that the power source is turned ON, when the power source of the acoustic device is turned ON in the second mode while the power source is OFF.

Regarding claim 13,

Yasuhara teaches an acoustic device according to claim 11, further comprising: a last information storage unit for storing, when the power source of the acoustic device is turned OFF, the sound source information relating to the sound source of the sound based on the sound signals being output by the first output unit just before the OFF of the power source, as last sound source information, *see paragraph [0058],*

wherein *paragraph [0094-0095]* teaches that the control unit causes the display unit to display the last sound source information stored in the last information storage unit, as the power ON information, when the power source is turned ON in the second mode while the power source is OFF.

Regarding claim 14,

Yasuhara teaches a vehicular audio system, comprising:

A body device ("88" in figure 9) arranged on a front side of a vehicular compartment, *as broadly claimed;*

A plurality of sound sources connected to the body device ("82" through "85" in figure 9);

A front operation unit ("2" in figure 1) as claimed;

A rear operation unit ("14" in figure 1) as claimed;

A first sound output unit ("10" or "11" in figure 1) and second sound output unit ("12" and "13") as claimed (see paragraph [0054]);

An external electronic device ("4" in figure 1) connected via external connection unit ("6");

Wherein the body device responds to a predetermined operation from at least one of the **front operation unit ("2" in figure 1)** or rear operation unit ("14" in figure 1) and the external electronic device ("4") to set a first mode, in which a first plurality of sound signals coming from at least one of the plurality of sound sources ("82" through "85" in figure 9) are exclusively output from the first sound output unit ("10", see discussion of disabled state of rear unit in paragraph [0013]), and a second mode, in which first sound signals coming from a sound source are output from the first sound output unit ("10" in figure 1) and a second sound signal coming from another sound

source is output from the second output unit ("12" or "13" in figure 1; also see discussion of enabled state in paragraph [0013]).

Regarding claim 15,

Yasuhara teaches a speaker output switching unit ("92" in figure 9) for selecting at least one sound source ("82" – "85" in figure 9) for output from the first output unit ([see paragraph [0124]);

A headphone output switching unit (included in "788" in figure 9 as a function of enabling the rear unit ("3" in figure 1)) for selecting a sound source for output from the second output unit ("12" and "13" in figure 1);

A first mute circuit, as claimed (see disconnect of speaker "11", as discussed in [0122]);

A second mute circuit, as claimed (see disconnect of headphones "12'" and "13" as discussed in [0121]);

A display unit ("28" and "29" in figure 9) for displaying information;

And a microcomputer ("80" in figure 9) for controlling the body device ("88").

Regarding claim 16,

Yasuhara teaches that the microcomputer comprises:

A mode setting storage unit, comprising:

A first mode setting memory for storing a set content, *as broadly claimed*, of the first mode (see paragraph [0094]);

A second mode setting memory for storing a set content, *as broadly claimed*, of the second mode (see paragraph [0110]);

And a last information storage unit for storing, jus before the body unit is turned OFF, a sound source relating to the sound source of the last sound signals coming from the sound source that was output from the first output unit (see paragraph [0095]);

A display control unit for controlling the display unit (see buttons in Figure 5);

A control unit for controlling the microcomputer (see buttons in Figure 3);

A mute control unit for controlling the first mute circuit and second mute circuit on the basis of content of first mode and second modes (see paragraphs [0121-0122]).

Regarding claim 17,

Yasuhara teaches that when the second mode is set and the body device is turned ON in response to a power ON demand signal from the rear operation unit or external electronic control device while the body device ("88" in figure 9) is OFF, the display unit displays information regarding the sound signals coming from the sound sources set in the muted state by the first mute circuit (even in 2-speaker state, the "front" display in Figure 5 indicates the sound source of the signals, *special attention* to

the teaching that in 2-speaker state, the rear speakers are muted from producing audible signals from the source which is indicated [0122].)

Regarding claim 18,

Yasuhara teaches that the muted state of speaker "11" is reversed dependent upon the sound source for the rear controller ("3" in figure 1) matching the sound source for the front unit ("2" in figure 1), interpreted as corresponding to "the muted state is releasable by the operation of the front operation unit".

Regarding claim 19,

Yasuhara teaches that the external electronic device ("4" in figure 1) is arranged on the rear side of the vehicular compartment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1,2,4,6,10,12 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yasuhara Pub. No. US 2003/0053638 A1** in view of the ***Applicant's Admitted Prior Art.***

Regarding claim 1,

In **Figure 9,** Yasuhara teaches an acoustic device comprising: a plurality of sound sources (see *paragraph [0054]);*

a first output unit (10,11) and a second output unit (13) for outputting sound based on sound signals from the sound sources;

a mode setting unit (*see switches 22 & 23, since both operate to change the operating mode of the acoustic device*) responding to a predetermined operation for switching and setting a first mode, in which the sound based on the sound signals from one of the sound sources are output from the first output unit (see paragraph [0013]), and a second mode, in which while the sound based on the sound signals from one of the sound source are being output from the first output unit, the sound based on the sound signals from another sound source are output from the second output unit (again, see *paragraph [0013]);*

In *paragraph [0036],* Yasuhara teaches a remote operation unit (14) for operating the rear controller (3) of the acoustic device, reading on "for operating the acoustic device remotely"; and

a control unit (80) for controlling the mode setting unit via actuation of switches (91,92 and 94) so that the power source of the rear controller (3) of the acoustic device may be turned ON in the second mode when it detects a power ON demand signal from switches "22" and "23",

wherein the control unit ("80" in figure 9) sets a sound output of the first output unit in an interrupted state (the output from the rear set of speakers is interrupted, thus changing from a 4-speaker state to 2-speaker state) when the power source of the acoustic device is turned on in the second mode while the power source [of the rear unit] is OFF (see paragraph [0122]).

Yasuhara teaches that the remote operation unit (14) is provided for controlling the rear controller when the audio system operates in the second mode. Yasuhara also teaches that the rear controller (3) is provided with a power ON/OFF switch (22) for sending a power ON demand signal.

Yasuhara does not clearly teach the remote operation unit (14) is also provided with a power ON/OFF switch.

However, the Examiner notes the ***Applicant's Admitted Prior Art (the unchallenged Official Notice from the last Office Action)*** that the provision of a power ON/OFF in remote control units is well known in the art and would have been obvious to include in the remote operation unit (14) of Yasuhara, for the purpose of permitting the user to activate/deactivate the externally disposed DVD player or other internally disposed audio sources accessible via rear controller, from a distance.

Regarding claim 2,

In **Figure 9,** Yasuhara teaches an acoustic device according to claim 1, further comprising: an external connection unit (6) for externally connecting an electronic

device (4) having the remote operation unit (14), wherein the control unit (2) includes a control unit i.e., switch, for controlling the mode setting unit (22 & 23) so that the power source of the acoustic device may be turned ON in the second mode, when it detects the power ON demand signal through the external connection unit while the power source is OFF, see *paragraph [0057].*

Yasuhara does not clearly teach that the power ON demand signal may also initiate from the remote operation unit

which is now Applicant's admitted prior art

As applied to claim 1, above, the Examiner has taken Official Notice that the initiation of an ON/OFF Power demand signal from the remote operation unit (14) is well known in the art and would have been obvious to include for the purpose of permitting the user to activate/deactivate the rear controller from a distance.

Regarding claim 4,

In *paragraph [0042-0043],* Yasuhara teaches an acoustic device according to claim 2, wherein the power ON demand signal obtained through the external connection unit is output from the electronic device in response to the power ON of the electronic device.

Regarding claim 6,

In *paragraph [0057],* Yasuhara teaches an acoustic device according to claim 2, wherein the power ON demand signal obtained through the external connection unit is

output from the electronic device in response to the insertion of a recording medium into the electronic device.

Regarding claim 10,

In *paragraph [0041],* Yasuhara teaches an acoustic device according to claim 1, wherein the control unit causes a display unit to display power ON information indicating that the power source is turned ON, when the power source of the acoustic device is turned ON in the second mode while the power source is OFF.

Regarding claim 12,

Yasuhara teaches an acoustic device according to claim 10, further comprising: a last information storage unit for storing, when the power source of the acoustic device is turned OFF, the sound source information relating to the sound source of the sound based on the sound signals being output by the first output unit just before the OFF of the power source, as last sound source information, *see paragraph [0058],*

wherein *paragraph [0094-0095]* teach that the control unit causes the display unit to display the last sound source information stored in the last information storage unit, as the power ON information, when the power source is turned ON in the second mode while the power source is OFF.

Regarding claim 20,

Yasuhara teaches that the muted state of speaker "11" is reversed dependent upon the sound source for the rear controller ("3" in figure 1) matching the sound source for the front unit ("2" in figure 1), all operations being ultimately controlled by control unit ("80" in figure 9), therefore said disclosure is interpreted as corresponding to "the muted state is releasable by the control unit".

Response to Arguments

3. Applicant's arguments with respect to claims rejected in the previous Office Action have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne H. Pendleton whose telephone number is 571-272-7497. The examiner can normally be reached on 10:30-7:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

D. Pendleton

D. Pendleton

WAYNE YOUNG
SUPERVISORY PATENT EXAMINER